

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
FEBRUARY 7-8, 2007**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on February 7-8, 2007, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, February 7, 2007

CALL TO ORDER

Chair Keith Travis called the meeting to order at 8:45 a.m. and asked that all cell phones be turned off or muted and reminded everyone that the meeting was being broadcasted over the Internet through web casting. He also noted that a list of guests that would be participating in today's luncheon could be found in the members' folders.

ROLL CALL

Present for the meeting were C.B. Akins, Joe Brothers, Jeanne Ferguson, Bonnie Lash Freeman, Judy Gibbons, Doug Hubbard, Keith Travis, Janna Vice, and David Webb. Absent were Kaye Baird, Tom Layzell and David Rhodes.

APPROVAL OF MINUTES FROM THE DECEMBER 6-7, 2006 AND JANUARY 10, 2007, KBE REGULAR MEETINGS

Chair Travis asked if there were any revisions or additions to the minutes. None were suggested and thus, Joe Brothers moved to approve both sets of minutes and C.B. Akins seconded the motion. The motion carried.

REPORT OF THE SECRETARY OF THE EDUCATION CABINET

Secretary Laura Owens reported the following:

- The Cabinet offers its continued support for the KEN Project and notes that a rollout is being worked on for this initiative.
- A lot of attention continues to be focused on the selection of the next commissioner. This is one of the most important jobs in state government and the

person selected will set the tone for learning and success. The person who is chosen must be a person of great breadth.

- Judy Gibbons did a great job in front of the House Education Committee.
- In last night's State of the Commonwealth Address, the Governor highlighted a couple of education initiatives that were recommended for more funding including student financial aid and the math achievement fund. Although the budget may not be open, this at least gets these items on the table for future consideration.

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

Chair Travis noted that Dr. Layzell could not be present but had sent a written report that could be found in each member's folder.

REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD

Dr. Phil Rogers reported the following:

- Rebecca Goss is a newly appointed Education Professional Standards Board member.
- The Education Professional Standards Board's winter retreat is being held next Saturday.
- The redesign of the master's and principal's programs is being brought to culmination.
- In the summer, a value-added methodology group will be convened to look at how to use value-added assessments in Kentucky. The group will take actual student data and apply various kinds of value to it to see what is produced. Kentucky Department of Education staff will participate in this work.
- Working with the Center for Teacher Quality and state constituencies, the Education Professional Standards Board (EPSB) will develop an experienced teacher survey. The EPSB wants to converse with teachers on teacher quality issues using this survey. The Kentucky Department of Education will be part of this work and the survey will be administered for the first time in 2008.

REPORT FROM THE PRE-K TO 16 COUNCIL

Jeanne Ferguson reported the following:

- Secretary Laura Owens noted that the search committees are both working to find a replacement for Commissioner Gene Wilhoit and Dr. Tom Layzell. She also pointed out that 55 technology centers are fully accredited.
- Dr. Cathy Gunn, Dean of the College of Education at Morehead State University and Dr. James Cibulka, Dean of the College of Education at the University of Kentucky, commented on Arthur Lavine's study that concluded colleges of education are not adequately preparing their graduates to meet the challenges of today's standards-based, accountability-driven classrooms. The two deans stated that educators are taking seriously the recommendations of Arthur Lavine to model colleges of education after the professional schools rather than after the arts and sciences model.
- Dr. Dale Duvall presented a report from the local P-16 Councils. He recognized the importance of connecting regional universities with the communities they serve. Duvall also noted that one of the goals of the local councils should be to assist in reducing the costly remediation of students.
- Al Lind and Linda Pittenger provided an update on the impact of the virtual campus and the virtual high school in Kentucky. There has been a 35% growth of on-line learners. The virtual college campus has expanded to offer 1,400 courses representing 100 programs. The virtual library serves almost all Kentucky libraries. There are 1,000,000 searches a month. Over \$10,000,000 in savings occurred due to collaborative access to resources. The virtual high school goal is to expand access to courses, promote on-line individualized instruction and life-long learning.
- Dr. Julia Roberts from Western Kentucky University discussed the resident program for gifted high school students that is opening on the Western Kentucky University campus in the fall of 2007. It will be a two-year residential program for 120 students from Kentucky. The program will serve the needs of gifted students that demonstrate an interest in pursuing a career in science, mathematics, engineering, or technology. Kentucky will be the 14th state to have a funded residential school for advanced high school students who are gifted in mathematics and science.
- Dr. Jim Applegate reported that the Developmental Education Task Force is charged with developing a plan to reduce the number of unprepared students and to support and retain the unprepared students who enter the postsecondary institutions. He stated that the unprepared students need to be quickly identified as they enroll in the institution and receive more advising and mentoring. These students should be required to take the developmental courses initially and postpone courses in subject areas where they are deficient.
- Dr. Diane Bazell stated that the 2006 teacher quality summit stressed the need for students to be proficient in world languages. Businesses and colleges of

education should work together to educate students concerning career options and what students need to be learning.

- Bonnie Brinly reported on some potential issues that would be raised during the 2007 legislative session.
- Dr. Mark Wattier reported that the P-16 Council is receiving periodic updates on the progress of the Interagency Task Force on Dual Credit. He noted that the following areas are being studied: funding, alignment of programs and systems, equitable access, quality and accountability, data collection, evaluation and research.

REPORT OF THE COMMISSIONER OF EDUCATION

Interim Commissioner Kevin Noland reported the following:

- The Board worked hard to finalize the characteristics for the next commissioner. The list is very inclusive and was built upon input from many constituencies. The characteristics are posted on the KDE website and can be accessed from the main page.
- Beginning this month, 14 of Kentucky school districts will upgrade their desktop, laptop and tablet computers in the pilot stage of a statewide project that will involve all 174 districts. The 14 districts were chosen based on their readiness to accept and implement new devices, and it was necessary to select a variety of district sizes to see how the project would work for those various sizes. The project will go statewide beginning February 13, 2007.
- Mason County Intermediate School and Pineville High School were recognized in January as national Title I distinguished schools during the national Title I conference. The two schools join approximately 60 others from across the nation to receive this honor. To be eligible, schools must significantly close the achievement gaps among student populations and must exceed state-defined Adequate Yearly Progress targets under the *No Child Left Behind Act* for two or more consecutive years.
- Two KDE employees of the month were recognized and asked to stand as follows: Tina Drury, January KDE Employee of the Month from the Office of Legal Services and Michael Chojnacki, February KDE Employee of the Month from the Office of Education Technology.
- New employees to the Department who were present were asked to stand as follows: Donald Aviles from the Office of District Support Services, Hiren Desai from the Office of Internal Administration and Support, Cindy Parker from the Office of Teaching and Learning and Donald Allen from the Office of Education Technology.

GOOD NEWS FROM SCHOOLS/DISTRICTS

The following items of good news were highlighted by the noted Board members:

- Doug Hubbard – The new London Elementary in Laurel County, which was completed in April of 2006, received an outstanding design award from *American School and University Magazine*. The \$13.5 million school includes whiteboard technology, wireless networking and innovative lighting. The magazine was particularly impressed with the raw materials used in construction, many of which are not hidden from site. Construction also incorporated an existing 1930s-era WPA gymnasium. Lexington-based Sherman-Carter-Barnhardt designed the school. Congratulations to London Elementary in the Laurel County School District!
- Joe Brothers – Daviess County High School senior Jake Machin is the only Kentucky student to score a 36 on the October administration of the ACT. That composite score is the highest possible, and Machin was one of only 75 students in the country to achieve this during the fall administration. Machin is active on his school's academic team and is a Governor's Scholar, AP Scholar and National Merit Commended Student. He plans a career in medicine. Congratulations to Jake!
- Bonnie Lash Freeman – Nine students from across the state received an award for their entries in an essay contest honoring the late Reverend Martin Luther King, Jr. in January. The essay contest was part of the state's annual Martin Luther King celebration, and the theme this year was "Living the Dream." The elementary level essay winners were: Colton Craker, Shearer Elementary in Clark County; Lauren McDaniel, Rosa Parks Elementary in Fayette County; and Jean Samuel Poier, Rosa Parks Elementary in Fayette County. The middle school essay winners were: DeVon Ballenger, Southern Leadership Academy in Jefferson County; Casey Stokely, Conkwright Middle in Clark County; and Hope Wiggington, Campbellsville Middle. The high school level winners were: Lara Kay Daniels, Pikeville High; Whitney Abernathy, Hopkinsville High and Rachelyn Reale, Green County High. Congratulations to these essay winners!
- Janna Vice – Fayette County high school students, Kimberly Ammons and Colin Zhou, both had perfect scores on the math and verbal portions of the SAT. Perfect scores on both portions are rare. Ammons attends Tates Creek High and is enrolled in five AP courses, belongs to the Beta Club and to the National Honor Society, among others and wants to become a math teacher. Zhou, who attends Paul Lawrence Dunbar High, is a cellist and a member of the Central Kentucky Youth Orchestra. He hopes to study computer engineering at MIT. Congratulations to Kimberly and Colin!

- Keith Travis – In December, Leslie Watkins a teacher at McCracken County’s Reidland High School, was named National Career in Technical Education Teacher of the Year by the National Association of Career and Technical Education. Watkins will represent the organization in a variety of capacities over the next year. She has been a family and consumer sciences teacher at Reidland for nine years and previously taught at Paducah Tilghman High. Watkins holds National Board Certification and is President of the National Association of Teachers of Family and Consumer Sciences. Congratulations to Leslie!

UPDATE ON MATHEMATICS INITIATIVES, JEFFERSON COUNTY’S GE FOUNDATION COLLEGE BOUND DISTRICT PROGRAM AND MATHEMATICS INTERVENTION MODELS THROUGH THE MATHEMATICS ACHIEVEMENT FUND

The first part of this presentation consisted of Board members viewing a brief video showcasing the work in several of the Mathematics Achievement Fund schools.

Following the video, Associate Commissioner Starr Lewis indicated that the presentation would now move to a district level look at a program in Jefferson County. She introduced Amy Herman, math specialist of Jefferson County and Brent McKim, President of the Jefferson County Teacher’s Association. She explained that they were present to talk about their efforts with the GE grant within Jefferson County Public Schools. The two individuals presented a PowerPoint presentation that consisted of the following points:

- The JCPS goals of the program are to raise student achievement in mathematics and science on the Kentucky Core Content Test, close the achievement gap and increase college enrollment and college readiness rates.
- The collaborative partners in the GE Foundation College Bound District Program are the GE Foundation, Jefferson County Public Schools and the Jefferson County Teacher’s Association.
- The components of a mathematics system (K-8) are world-class standards, common core curriculum, common assessments, intervention and professional development.
- World class standards must be aligned to Kentucky Core Content, have less redundancy, show deeper content connections and be reviewed by national experts.
- The standards must be aligned with high performing countries and the degree of alignment for the project is 99% alignment with Japanese topics, 93% alignment with Singapore topics, 100% alignment with American Diploma Project standards and 100% alignment with ACT standards.

- Mathematics courses within the project would include Algebra I at 8th grade, Geometry at 9th grade, Algebra II at 10th grade, Pre-calculus and Function/Statistics in grade 11, and Calculus and College Algebra in grade 12.
- The Common Core curriculum would include eight standards/eight units, active inquiry and student engagement, clear conceptual relationships, real-world applications, validation/review, field test and implementation.
- Assessments to evaluate the project will include formative assessments (weekly mastery checks), summative assessments (end of unit tests) and expectation of student mastery.
- Interventions will consist of using Success Maker, schedules with additional instructional time and the identification of instructional practices to help struggling students.
- Professional development will be part of the program and will include initial training as well as ongoing professional development. The ongoing professional development will address change in teachers' belief systems, collegial collaboration, job-embedded professional development and relationship to classroom experiences.
- Lindsay Miller from the GE Foundation was also introduced.

Ms. Herman and Mr. McKim pointed out that in the folder that was distributed to board members, an Evaluation Road Map document could be found as well as information on the concept of authentic intelligence.

Concerns and points shared by Kentucky Board of Education members with Jefferson County staff included:

- The professional development needs to connect out into the community, for example, with tutoring programs.
- It would be good to see how attitudes will be measured and how Jefferson County will arrive at reducing the curriculum.

At the conclusion of the presentation, Associate Commissioner Starr Lewis said that department staff are excited about learning from this project and thanked Jefferson County for including department staff in this work.

HEARING OFFICERS REPORT: STATEMENT OF CONSIDERATION ON 703 KAR 5:020, THE FORMULA FOR DETERMINING SCHOOL ACCOUNTABILITY (FINAL)

Chair Travis indicated that 703 KAR 5:020 was presented for public comment and explained that Kevin Noland was present to help the Board go through the input provided through the Statement of Consideration from the public hearing.

Noland stated that the Statement of Consideration provides the opportunity for the Board to look at a regulation one more time after the public hearing, which was held on January 25. He emphasized that it is the Board's decision whether to make additional changes to the regulation or not. At this point, Noland and Rhonda Sims went through the comments from the Statement of Consideration.

After a discussion of the comments and recommendations, Judy Gibbons moved to accept the department's recommendations and approve the Statement of Consideration. Bonnie Lash Freeman seconded the motion.

Doug Hubbard then asked to explain his vote and said that he disagreed with Kevin Noland's interpretation on the norm-referenced test issue. He felt that the law requires the same norm-referenced test to be given statewide and emphasized that the current language in the regulation relative to norm-referenced tests violates state law.

At this point the question was called and the motion carried with David Webb and Doug Hubbard voting no.

RECOMMENDATION OF SCHOOL COUNCIL AUTHORITY STATUS FOR HOLMES JUNIOR/SENIOR HIGH SCHOOL (COVINGTON INDEPENDENT SCHOOL DISTRICT) AND IROQUOIS MIDDLE SCHOOL (JEFFERSON COUNTY PUBLIC SCHOOLS)

Associate Commissioner Steve Schenck reported that both Holmes Junior/Senior High School and Iroquois Middle School have failed to meet their goals for two successive accountability cycles and have not included actions in their school improvement plans to strengthen the school council in the school-based decision making process.

Division Director Barb Kennedy explained that both a school audit and district audit were conducted in each of the schools and districts. She said that each scholastic audit team produced a recommendation concerning school council authority and that the department accepted each report.

Associate Commissioner Schenck went on to say that in both instances the school district audit team and school audit team disagreed as to where school council authority should be placed. He noted that to be the reason these decisions were coming before the Board.

C.B. Akins then asked how long leadership had been in place at the Jefferson County School because he felt continuity of staff is the question.

Steve Schenck replied that in Jefferson County school, the principal had been there about one year.

Akins then inquired as to whether the scholastic audit process could determine if the current leadership is capable of turning the school around.

Schenck replied that judgments can be made on quality.

Bonnie Lash Freeman then asked if it is recommended to give the Iroquois Middle School principal a chance to continue.

Keith Travis responded that the recommendation is to give the school council authority to the superintendent.

David Webb then asked why it was not recommended to give the authority to a highly skilled educator.

Kevin Noland stated that department staff believe that if the capability exists at the local level, the authority should be given to the superintendent.

Webb indicated that a different situation exists in Jefferson County than in Covington Independent.

Steve Schenck stated he agreed but noted that Covington Independent now has some schools making great strides. He said that staff wants to work with them to implement the improvements recommended in the audit reports.

Doug Hubbard then inquired whether the district-wide audit was critical of district leadership in Covington Independent. Steve Schenck replied affirmatively. Hubbard then commented that giving the leadership to the superintendent in Covington might not be wise.

Keith Travis then noted that the department previously oversaw management of operations in Covington so that this situation is not the first sign of problems. However, he said that the superintendent has been there five to six years so this person could contribute to some of the turnaround.

Judy Gibbons commented that she knows the Covington Independent superintendent and feels that he is intent on correcting the problems. Gibbons emphasized it would be a big mistake to take authority away from the superintendent.

Joe Brothers stated that he had read the executive summaries of the audit reports and felt the results were totally unacceptable and should not be tolerated. Brothers went on to say

that the option of where to put leadership is a tough one but noted that he thought staff's recommendation to give it to the superintendent is the right one. Brothers pointed out that he would like to see the department's recommendation implemented plus have a quarterly report from the superintendent and board chair to the Kentucky Board of Education on progress. He emphasized he wants to send a message that these problems must be fixed now.

David Webb said that he agreed with what had been said by Mr. Brothers, but noted that this fix to the problem and lack of control superintendent's have relative to teacher and principal selection.

At this point, Joe Brothers moved to accept the department's recommendation as to school council authority for each school and to direct that periodic reports be made to the Kentucky Board of Education on progress at these schools. David Webb seconded the motion. The motion carried with Doug Hubbard voting no.

DROPOUT PREVENTION AND PERSISTENCE TO GRADUATION

Deputy Commissioner Linda France emphasized that many persons across the Kentucky Department of Education are involved in the dropout prevention effort. She noted that two great district models are present today to share their approaches with the Board. France went on to say that the reading and math initiatives are part of persistence to graduation as well as getting serious about low-performing schools. She noted that in December, staff and the Board talked about the scope of the problem and indicated a student does not decide to drop out of school one day, but instead this decision is a compilation of experience over time. France reviewed that 65% of these students were in alternative placements and that 95% did not participate in extracurricular activities. She stated that at the close of the presentation, staff would ask for feedback on some proposed strategies they would like to pursue.

At this point Johnnie Grissom brought forward staff from the Corbin Independent School District and Corbin High School. She stated that Corbin High School is the only Kentucky high school chosen as a national model high school and indicated the school uses a multi-faceted approach to reducing the dropout rate. Grissom introduced Superintendent Ed McNeel and Joyce Phillips from the Corbin Independent School District.

Staff from Corbin shared the following about their approach to dropout prevention:

- The whole system focuses on the mission statement that indicates Corbin High School will strive to be the best it can be.
- The media center has a Joseph Beth layout and is open before and after school. It has become a hub of activity because it is inviting for students.

- The Corbin High School graduation rates have steadily increased from 2001-2005 going from 88.37 in 2001 to 96.18 in 2005.
- A hook has to be found for each student. It is important for a student to have something to want to come to school to pursue.
- The approach must start as early as preschool.
- The way to decrease dropouts is not just one thing but is a combination of factors.

Next, Vicki Grigson, principal at Paris High School was introduced to talk about their approach to reducing the dropout rate. Ms. Grigson shared the following:

- The Jobs for Kentucky Graduates program is a central part of the dropout reduction program. It has a yearlong follow-up after graduation with its students.
- Paris High School is in the top ten in the state in getting African-American students to succeed.
- The mission is “success one by one”.
- In 2005-2006, the dropout rate at Paris High School was 0.
- The program makes sure that the students have community connections.

Deputy Commissioner France thanked the presenters for their work with students and for the time they took to present to the Board. She then moved on to say that staff has looked at a lot of programs and research to come up with recommendations for the Board to consider. She then asked Linda Pittenger to take the Board through six recommendations.

Division Director Linda Pittenger passed out a replacement chart titled “Strategies to Increase Persistence to Successful Graduation” that added a sixth strategy. She highlighted the strategies to be:

- Have a high school graduation or equivalency as compulsory for everyone below the age of 18.
- Ensure that every student receives individualized supports and “rapid response” interventions focused on readiness for and successful transition to the next level of learning, including expanded learning time and opportunity and access to non-traditional delivery systems.
- Expand student options and non-traditional pathways to graduation, including options to recover missing credits and pathways that compress time to credential and work.

- Expand reporting requirements at the state, district and school levels to rapidly reflect disaggregated graduation rate data in ways that hold the system accountable for all students.
- Engage the entire community (parents, business, community) in communicating and developing strategies for persistence to graduation.
- Expand at-risk students' access to career and technical programs of study linked to applied academic learning at the ninth grade level or before.

Linda France stated that staff will do in-depth work on how to proceed and come back to the Board with a report.

MANAGEMENT COMMITTEE MEETING

Action/Consent Items

1. **District Facility Plans: Breathitt, Edmonson, Mason and Nicholas County School Districts and the Jackson Independent School District and 2. District Facility Plan Amendments: Ohio County School District.** Chair David Webb commented that Owensboro Independent withdrew its facility plan amendment and asked Mark Ryles if there was anything unusual with the plans or amendments. Ryles responded that they were routine. At this point, Judy Gibbons moved approval of the facility plans and facility plan amendment and Doug Hubbard seconded the motion. The motion carried.
3. **2006-2007 Local District Working Budgets.** David Webb commented that all of these seem to be in good shape except a couple that don't have the desired contingency. Division Director Kay Kennedy that three of the districts with an '*' have a contingency of less than 2%. She noted that all have a new superintendent and this person inherited issues on staffing that are being addressed. Kennedy assured the Board that department staff is working with each of these districts.
4. **2006-2007 Local District Tax Rates Levied.** Division Director Michelle Sutton indicated that this action only involves Butler County. At this point Judy Gibbons moved that all of the submitted working budgets and tax rates be approved and Doug Hubbard seconded the motion. The motion carried.

Review Items

1. **702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics.** Committee Chair David Webb noted this to be a review item. He indicated that the Board has in the past designated the Kentucky High School Athletic Association (KHSAA) as its agent to oversee

high school athletics. Webb pointed out that the proposals before the Board are for bylaw or constitution changes and noted that several people have asked to address the Board about one or more of these proposals. He emphasized that no action will be taken on these proposals until the April meeting.

At this point, Senator Tim Shaughnessy spoke against Proposal 2 and asked the Board to reject this.

Next, Brigid DeVries, Julian Tackett, Larry Boucher and Darren Bilberry from the KHSAA came forward. Commissioner DeVries pointed out that the staff note on page 143 of the Agenda Book contains a summary of each of the proposed changes. She noted that staff had provided a rationale for each and assured the Board these had been through the membership and Board of Control before they were forwarded to the Kentucky Board of Education for consideration.

David Webb then asked for an explanation of how KHSAA is governed.

Commissioner DeVries responded that an 18-member Board of Control is the governing body for KHSAA. She then explained there are 282 member schools and that an annual meeting is held each year for attendance by the membership. At the annual meeting, she explained, the membership votes on proposed changes and the input for changes to the handbook come from those votes. DeVries went on to say that proposals can come from the membership or the Board of Control and then the Board of Control sends the Kentucky Board of Education the proposals that it approves. At this point, DeVries then went through each of the proposals.

Concerns were expressed about the fact that recruiting goes on. It was stated that some feel if current rules were enforced, the problems would be rectified.

Commissioner DeVries indicated that people will not come forward and put recruiting violations in writing. She said that it is very hard to enforce rules without hard data.

At this point the following speakers were allowed to present their viewpoints: Wilson Sears, Somerset Independent superintendent; Leisa Speer, Chair of the Nonpublic Schools Commission; Paul Whalen, representing public school parents; and Karen Walker, representing private school parents. Each person was asked to provide the Board with a copy of their testimony in writing.

Chair Webb summarized that the KHSAA is in a difficult situation and must deal with many cases. He then thanked all of those who presented their viewpoints and said more discussion on this will occur in April.

Action/Discussion Items

1. **Request to waive the 300-student minimum enrollment required by 702 KAR 1:001 for a new school in Graves County.** Chair David Webb reported that due to a death in the family, the superintendent of Graves County could not be here and said that Assistant Superintendent Pete Galloway was present. Galloway then introduced Lanell Leonard, Graves County Board Chair, and noted that the rest of the Board was present. He then explained that Fancy Farm Elementary is located in a leased building, which has safety issues. Galloway noted that students must go outside to travel to the cafeteria, plumbing problems exist, and the air conditioning is totally through window units. He did point out that the school consistently scores in the 80s and 90s on state tests and emphasized that a mindset of community school exists in this area. Galloway indicated that Fancy Farm is at capacity in its current building.

Chair Webb stated that the existing regulation requires there to be a 300-student minimum for new schools. He noted there to be many reasons for this including cost effectiveness. Webb commented that Lowes Elementary is within six miles and asked why a building to serve all the students in both schools could not be built.

Mr. Galloway replied that each community wants to maintain its own school and stated the local board supports this.

Ms. Leonard added that some of the students are now on the bus a long time and moving farther from Fancy Farm would add to that total amount of time.

Keith Travis then asked if the Board had solicited input on building a consolidated school.

Mr. Galloway responded that the district received a \$5 million urgent needs offer for this purpose. He said that the Board had talked about a new school in Fancy Farm over the last year because the majority of those citizens in both communities want their own school. He stated that the Board has not had a hearing on a consolidated school to this point.

Kevin Noland then asked if a new Fancy Farm Elementary was built, how long would it be before a new school at Lowes could be built?

Mr. Galloway responded that it would be about fifteen years.

Committee Chair David Webb emphasized that he hoped the local board knows that this decision impacts other schools all over the state and that the granting of such a waiver would set a precedent.

Graves County board member Mark Wilson was recognized and said that a prospect exists that would attract major employers in the Fancy Farm area and if this comes to pass, growth will mushroom.

David Webb then asked Mark Ryles to review the best practice number of 300.

Mr. Ryles indicated that when the regulation was amended last time, staff was asked to study the size requirement both for quality of education and equitable cost of delivery. He noted that this is a minimum size and stated that both HB269 and 267 recognize the 300-student minimum. Ryles pointed out that a net 23 schools were consolidated as a result of local school board decisions due to this minimum size requirement. He stated over the fourteen-year period that this has been in effect, the board has not waived this requirement.

Doug Hubbard asked if any studies had been done in the last fourteen years to change the 300-student minimum.

Mr. Ryles responded that the current School Facilities Task Force and the Picus group both affirmed their support for the 300-student guideline.

Keith Travis then asked what would happen if the Board denied the waiver.

Kevin Noland responded that in order to get the full urgent needs amount, Graves County would need to look at building a school to serve at least 300 students. He said that if the same population currently existing at Fancy Farm were used as the basis on which to build a school, then the funding dollars would be reduced proportionately.

David Webb then asked Dr. Bob Tarvin, Executive Director of the School Facilities Construction Commission to come forward to speak to this issue.

Dr. Tarvin stated that he could not speak to the 300-student minimum issue because that is a Kentucky Board of Education policy. He said he could speak to the offer itself and noted this to be \$5 million to address the problems at Fancy Farm in an efficient manner. Tarvin said the Urgent Needs Advisory Committee felt the problems at Fancy Farm caught its attention and beyond that, he noted that the committee did not say how to solve the issues. He noted this to be a district efficiency issue and said that language in the letter from the School Facilities Construction Commission is what was approved by the commission.

Kevin Noland then asked that if the denial of the waiver request would jeopardize the offer to Graves County.

Bob Tarvin replied that it would not.

Noland went on to say that at the time of the staff note, he thought the answer to that question was different and thus he made a reluctant recommendation to approve the waiver.

Chair Webb then asked Noland to clarify his current recommendation.

Noland indicated that his recommendation was now numbers 2 and 3 under the policy issues and options within the staff note.

At this point, Tim Saylor, superintendent of Harlan County, was recognized to come forward to speak. He made a passionate plea for the children of Harlan County and for those districts that have followed the rules. He maintained that any changes to the funding formula for facilities should not be allowed. Saylor went on to say that Harlan County was currently building a modern consolidated high school to open in 2008. He pleaded with the Board and the department to help the district complete the school because they will not be able to complete it on time without additional assistance.

The question was then called on the Graves County waiver request. Doug Hubbard moved to deny the waiver and require the district to complete the local planning effort and Judy Gibbons seconded the motion. The motion carried.

2. **701 KAR 5:110, Use of local monies to reduce unmet technology need (Final).** Associate Commissioner David Couch and Division Director Mike Leadingham came forward for this item. Couch said this was the final look at the KETS Master Plan and noted that only minor changes were made in the plan since the Board looked at it in December. He pointed out that three studies had been released since the Board met in December with the results supporting what is in the Master Plan. Couch emphasized that extensive input was secured from many constituencies on the composition of the Plan.

At this point Judy Gibbons moved final approval of 701 KAR 5:110 and the Master Plan itself. Doug Hubbard seconded the motion and it carried.

3. **Anderson County School District's request for waiver of 702 KAR 4:170 Part 2.a.11.** Chair David Webb explained that this item has to do with a school site in Anderson County where land was bought under one superintendent and now a new one is heading the district. He said that the department approved the district's proposal but with the condition of correction of the gas line problem. In the meantime, Webb stated a new building was started that was only 58-feet from the gas line. Thus, he noted that the district has now asked for a waiver of the current requirements. He pointed out that the department has documentation where it told the district

that rectifying the gas line problem was a condition for building a new structure.

Kevin Noland emphasized that the Board cannot waive a regulation if it impacts health and safety.

At this point Judy Gibbons moved to deny the waiver because the Board cannot waive requirements having to do with health and safety and asked Anderson County to present a plan for rectifying the problem. Doug Hubbard seconded the motion and it carried.

Thursday, February 8, 2007

CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING

Action/Discussion Items

1. **Waiver Request of 704 KAR 3:305, Minimum High School Graduation Requirements from the Franklin County School District.** Michael Miller reported that Rexie Davis has met the graduation requirements for 1966 but does not have the current credits required for graduation.

Janna Vice stated that it is regrettable but to grant a diploma would indicate the person has met current requirements and would set a precedent.

C.B. Akins said he agreed with Ms. Vice.

Mr. Burkhardt, a teacher from Thornhill Learning Center, then spoke on Ms. Davis' behalf and said she has put in the time and energy to get a diploma and deserves it. Burkhardt felt that her life experiences would be comparable to the veterans' experiences that allow a diploma.

Janna Vice then moved with regret to decline the request for a high school diploma and C.B. Akins seconded the motion. The motion carried.

2. **Request for waiver of foreign language requirement in 704 KAR 3:340, Commonwealth Diploma from the McCracken County School District.** Michael Miller then explained that the Commonwealth Diploma is not an actual diploma but instead a special award. He noted that the pre-college curriculum does recognize American Sign Language as a foreign language and thus staff is recommending to grant the waiver. He noted that the Board has done so before.

Janna Vice moved approval of the waiver request and C.B. Akins seconded the motion. The motion carried.

Review Items

1. **707 KAR 1:280-380, Revisions of the Kentucky Administrative Regulations for Special Education Programs.** Coming forward for this item were Associate Commissioner Johnnie Grissom, Division Director Barb Kibler and Division Director Larry Taylor. Grissom began by explaining that the federal special education law involves an appropriation to Kentucky that is currently \$145 million; however, she emphasized that it is not adequately funded. She went on to say that last time, staff had to do a total rewrite of the regulations but explained that this time, the changes are not as extensive. Grissom noted that many of the major decision points had already been shared with the Board several times and noted that staff has chosen to stay with what the federal law requires unless state statute requires otherwise.

Larry Taylor then explained that on pages 186-188 in the Agenda Book, a listing of the groups and individuals consulted on the proposed changes to the special education regulations were listed. He emphasized that staff is very committed to taking all input into consideration and said that 22 focus groups were held across the state to gather input. He went on to say that an electronic survey generated over 400 responses and many meetings were held with different groups. Taylor explained that after input was received, a team of Kentucky Department of Education staff compiled all of the input and put together the decision point document found on pages 192-195 of the Agenda Book. He went on to explain that once the federal regulations were finalized, these were provided to the public and the various groups that had interest. He said that staff again met with many of the groups to get more input and revised the state regulations again. Based on the Board's input today, Taylor stated, staff will review the additional input and bring back revised regulations in April for final consideration.

At this point, Diana Merzweiller, Executive Director of the Down Syndrome of Louisville, was allowed to speak. She said that she applauded the positive changes in the regulations but did convey some concerns for the Board and staff to consider. These concerns were passed on to the Board and staff in written form for consideration.

Next, Barb Kibler walked the Board through the specific proposed changes in the special education regulations that were summarized on pages 189-191 of the Agenda Book. Kibler first pointed out that in 707 KAR 1:300, staff has added a new section to allow local districts to conduct early intervention services for students prior to a referral for special education and to allow the use of up to 15% of IDEA money for this purpose. She continued that staff is proposing to come back in April with a separate regulation on defining early intervention services for any child because this is not just a special education issue.

C.B. Akins asked how this would help to alleviate the over-identification of minorities.

Kibler responded that it could do a lot to alleviate over-identification by having a group of professionals evaluate students and try interventions before any referral to special education occurs. Johnnie Grissom added that over-identification was the idea behind the intervention piece within the federal law.

C.B. Akins then commented that his concern was that parents often don't know their rights and are intimidated by people from the schools. He emphasized the need to get parents to the table at the front end.

Barb Kibler suggested that how parents are involved could be added to the regulation.

Kibler went on to look at 707 KAR 1:320, page 239, line 8, that is involved with the debate in the federal law where states are given discretion on changing an IEP without bringing the Admissions and Release Committee (ARC) together. She indicated that staff is proposing minor changes only and not a change to the programmatic process to develop the IEP. Kibler emphasized that developing the IEP with a group is extremely important and staff sees it as problematic and detrimental to the student to allow changes without the ARC's consent. Also, within 707 KAR 1:320, section 3, Kibler clarified that after checking with the federal Office of Special Education, it was found that the state regulations will have to allow members to be dismissed from an Admissions and Release Committee meeting if the parent and district agree on this.

Board members then requested that on page 240, line 21, the words "not less" be changed to read "no fewer".

Kibler then moved on to page 276 of the Agenda Book, line 22, where discipline issues were specified.

Bonnie Lash Freeman suggested that staff may want to include adding the person from the A5 or A6 program to the ARC meeting or adding whomever will be serving the child within the 10 days.

Ms. Kibler indicated that this could be done. She then moved on to 707 KAR 1:370, page 293 of the Agenda Book, where it dealt with parents placing a disabled student in a private school. She pointed out that one major change in the law is that where a private school placement sits is now where the child counts and is evaluated. Kibler indicated that the rest of the regulation determines the services offered by the public school to these students after consulting with the private school. She explained that the public school must

offer a proportionate amount of the federal dollars to provide services for the greatest need for the greatest number of students in the private school. Speech therapy was given an example of one of the services.

Committee Chair Bonnie Lash Freeman reminded members that staff will take all input heard at this meeting and come back with revised regulations at the April meeting where consideration of final approval will be given.

2. **Report on academic performance for A5 and A6 programs.** Coming forward for this presentation were Nijel Clayton, Kevin Hill, Linda Pittenger and Starr Lewis. Nijel Clayton began by introducing Kevin Hill as the person that can answer data questions on the A5 and A6 schools. She also provided the committee with a handout requested by Bonnie Lash Freeman that defined A5 and A6 programs as well as the history of working with A5 and A6 programs and the Kentucky Educational Collaborative for State Agency Children (KECSAC) group. Clayton noted that the Board was presented with both academic and nonacademic data for A5 and A6 programs.

Kevin Hill then explained that there is difficulty with the data and the location codes. He said there is a problem tying individuals back to a location because sometimes students show up as part of an A1 school and thus would not show up in the data that the Board has been provided. Hill indicated that the mobility of the population also impacts the accuracy of the data. He noted staff is still working on these limitations and is trying to improve data accuracy.

C.B. Akins then asked if there is any coordination from the Kentucky Department of Education concerning teacher quality in alternative programs.

Nijel Clayton replied that the teacher selection is the district's decision but said these teachers do have to meet NCLB highly qualified teacher requirements. She emphasized that it is a challenge for these teachers to meet all the different needs and levels within these programs.

Bonnie Lash Freeman stated that the Board must look at the highly qualified teacher issue plus data accuracy relative to A5 and A6 programs. Both Ms. Freeman and C.B. Akins stated they were very worried about these students. Freeman then asked when the Kentucky Youth Advocates report would come back to the Board and Ms. Clayton replied that she thought it would be June. Freeman indicated that once this report is done, the committee should have some districts that model good practices in A5 and A6 programs to come before it.

C.B. Akins said it was part of his frustration that we know where good practices are and we also know where the programs are that are using poor practices. He could not understand why we cannot get those using poor

practices to move to improve their programs. Akins thought that the light should be shed on these programs and solutions should be ready before pointing the finger at these problem sites.

3. **Annual report of the Kentucky Educational Collaborative for State Agency Children (KECSAC).** Dr. Norman Powell and Ronnie Back of KECSAC were present for this agenda item. They brought forward a chart focused on the barriers for students in the KECSAC program. These barriers included student transition frequency, educational planning deficit, collaboration among state partners, and quality of educational delivery.

Suggestions that came forward for KECSAC's consideration included:

- The need to track students after graduation and see if they are being equipped for transition to adult life.
- The need to have a conversation with Educational Professional Standards Board about the requirements they could make on A5 and A6 program teachers.
- Consideration of the need to make punitive effects in the academic index if progress in these programs is not sufficient.

Bonnie Lash Freeman emphasized that she did not want to wait till next February to know more about how the students in these programs were progressing. She asked that KECSAC come back either in June or August to ensure that these students aren't forgotten. Freeman thought that KECSAC should get the results of the Kentucky Youth Advocates recommendations and findings before coming back to the Board.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

On behalf of the Management Committee, David Webb moved approval of all submitted district facility plans, district facility plan amendments, 2006-07 local district working budgets and 2006-07 local district tax rates levied. The Board concurred with the motion.

REPORT OF THE MANAGEMENT COMMITTEE ON ACTION/DISCUSSION ITEMS

Chair David Webb brought forward the following items:

- Request to waive the 300-student minimum enrollment required by 702 KAR 1:001 for a new school in Graves County – Webb reported that Graves County had requested a waiver of the 300-student minimum for a new elementary school in order to build a new Fancy Farm Elementary. He stated that after considerable discussion, the committee moved to deny the waiver and encourage the district to

complete the local planning process. Thus, he moved the same action on behalf of the committee to the full board. The Board concurred with the recommendation.

- 701 KAR 5:110, Use of local monies to reduce unmet technology needs (Final) – Chair Webb reported that the 2007-2012 Master Plan was presented to the committee and the committee felt that it was well done and well thought out. Thus, on behalf of the committee, he moved approval of the Master Plan and the regulation. The Board concurred with the motion.
- Anderson County School District's request for waiver of 702 KAR 4:170, Part 2.a.11 – Chair Webb explained that Anderson County had purchased a site on which to build a new school that had a large natural gas line across it. He explained that the Department of Education said that the district could purchase it, but noted that no building could be within 200 feet of the gas line. Webb explained that the superintendent in charge of the district when the land was bought had retired and then under a new superintendent, the building was started and found to be within 58 feet of the gas line. He noted that the Board has no grounds to waive a regulation having to do with health and safety and thus moved on behalf of his committee to deny the waiver request and ask Anderson County to advise the Kentucky Board of Education of the corrective measures it would take in this instance. The Board concurred with the motion.

REPORT OF THE CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE ON ACTION/DISCUSSION ITEMS

Chair Bonnie Freeman brought the following items forward for action:

- Waiver request for 704 KAR 3:305, Minimum high school graduation requirements from the Franklin County School District – Chair Freeman explained that this request came before the Board before in 2005 and said it has come back again. She noted that the person would have graduated in 1966 originally. Regretfully, Freeman moved on behalf of the committee that the waiver request be denied. The Board concurred with the motion.
- Request for waiver of foreign language requirement in 704 KAR 3:340, Commonwealth Diploma from the McCracken County School District – Chair Freeman explained that the Commonwealth Diploma is an add-on to the high school diploma. She stated that a hearing disabled student is asking for the foreign language requirement to be waived and for American Sign Language to be substituted. Freeman emphasized that this request has been granted before and on behalf of the committee recommended approval of the waiver request. The Board concurred with the motion.

INTERNAL BOARD BUSINESS

Chair Keith Travis shared the following items:

- As far as the NASBE Adolescent Literacy Network meeting, Bonnie Lash Freeman has volunteered to be the Board's member on the state team.
- Bonnie Lash Freeman and C.B. Akins will visit the audited schools in Jefferson County and they will report to the Board in the future on these visits.
- The Board has been asked to reaffirm the following resolution on Mascots and Symbols.

RESOLUTION ON SCHOOL SYMBOLS/MASCOTS BY THE KENTUCKY BOARD OF EDUCATION

- WHEREAS,** **The Kentucky Board of Education believes in the worth and dignity of all peoples;**
- WHEREAS,** **Schools and school districts should set an example and provide leadership in their communities in supporting and furthering human rights;**
- WHEREAS,** **Schools should be places where all students feel welcomed;**
- WHEREAS,** **Mascots, nicknames and other school symbols should represent the highest ideals of human dignity and help all students feel welcome and included in the life of the school;**

NOW, THEREFORE, be it resolved that the Kentucky Board of Education urges all schools to review the appropriateness of their symbols and mascots and recommends that all schools and school districts abandon the use of symbols and mascots that are offensive to any group of people.

**REAFFIRMED AT THE KENTUCKY
BOARD OF EDUCATION MEETING,
In the city of Frankfort, this eighth day of
February, in the year Two Thousand and
Seven.**

Keith Travis, Chair
Kentucky Board of Education

Kevin M. Noland, Interim Commissioner
Kentucky Department of Education

David Webb moved approval and C.B. Akins seconded the motion. Staff was instructed to send the resolution to each school district.

BOARD MEMBER SHARING

Chair Travis asked if there were any items to share during this portion of the meeting.

David Webb indicated that he was concerned if the principal at Iroquois Middle School was being treated fairly.

Kevin Noland replied that the selection and treatment of the principal is the decision of the superintendent and not part of the scholastic audit.

Jeanne Ferguson stated she would like to go with Bonnie Lash Freeman and C.B. Akins on these visits.

KDE EMPLOYMENT REPORT

C.B. Akins commended Kevin Noland for addressing the diversity concern within the Planning Committee and said that the introduction of new employees yesterday showed that diversity is a priority within the Department of Education. He did suggest that the data supplied to the Board needs to be done department by department and not by cumulative numbers.

ADJOURNMENT

The Board adjourned at 11:40 a.m.